

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

Sandra Lacap,

*Plaintiff,*

v.

Medi-Dyn, Inc., *et al.*,

*Defendants.*

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C.A. No. 1:11-cv-193  
Jury

**Defendants' Notice of Removal**

To the Honorable U.S. District Judge:

Defendants Medi-Dyn, Inc., Crothall Services Group, Inc., and Crothall Healthcare, Inc. ("Defendants") respectfully file this Notice of Removal.<sup>1</sup>

**I. Introduction**

1. This is a personal injury action. Plaintiff, Sandra Lacap, claims she slipped and fell while working at a hospital. She has asserted a claim for \$175,000 in damages.

**II. The Parties**

2. The Plaintiff is a citizen of the State of Texas.

3. Defendant Medi-Dyn, Inc. is an Oklahoma corporation whose principal place of business was Colorado. Medi-Dyn, Inc. is no longer in existence and has been merged with Crothall Healthcare, Inc.

4. Crothall Services Group, Inc. is a Delaware corporation with its principal place of business in Pennsylvania.

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<sup>1</sup> The Plaintiff's counsel had filed a Motion to Withdraw in the state court shortly prior to removal. The Motion was pending at the time of removal. The Defendants do not oppose it.

5. Crothall Healthcare, Inc. is a Delaware corporation with its principal place of business in Pennsylvania.

6. Medi-Dyne Healthcare Products, Inc. and Medi-Dyne Healthcare Companies, LLC were Defendants in this case. However, the Plaintiff has voluntarily dismissed these Defendants from the case. Because these entities are no longer parties to the case, their citizenship is irrelevant for the purposes of determining diversity.

7. Medi-Dyne Healthcare Products, Inc. and Medi-Dyne Healthcare Companies, LLC have names that are highly similar to Medi-Dyn, Inc. While Medi-Dyn, Inc. is a proper party to the case, Medi-Dyne Healthcare Products, Inc. and Medi-Dyne Healthcare Companies, LLC are not. Medi-Dyne Healthcare Products, Inc. and Medi-Dyne Healthcare Companies, LLC have absolutely no affiliation or connection with Medi-Dyn, Inc. Neither of these entities had any involvement with the incident giving rise to this lawsuit. Their inclusion in this case was apparently a simple mistake, given confusing entity names. Therefore, even if these Defendants were still in the case, their citizenship would still be irrelevant for diversity purposes under the improper joinder doctrine.

8. Accordingly, there is—and was at the time of this suit being filed—complete diversity of citizenship between the parties.

### **III. Basis for Removal**

9. This lawsuit is removable because there is complete diversity of citizenship and the amount in controversy is greater than \$75,000.

10. The lawsuit was not removable when it was filed because the amount

in controversy was not known or discernable.

11. On April 1, 2011, the Defendants received the Plaintiff's Third Amended Petition which, in response to a special exception, indicated that the Plaintiff was seeking \$175,000 in damages.

12. Thus, this case became removable on April 1, 2011.

13. This notice of removal is timely because it is filed within 30 days of the Defendants being served with Plaintiff's Third Amended Petition and within one year of the commencement of this action.

14. Therefore, this Court has jurisdiction in this matter based upon complete diversity of citizenship.

#### **IV. Venue and Other Issues**

15. Venue is proper in this District because the state court where this action was pending is located in this District.

16. All materials required by 28 U.S.C. § 1446(a) and Local Rule CV-81 are attached.

17. The Defendants will promptly file a copy of this Notice in the state court where the action was pending.

#### **V. Conclusion**

18. Medi-Dyn, Inc., Crothall Services Group, Inc., and Crothall Healthcare, Inc. therefore request that this case be removed to this Court.

Respectfully submitted,

**BROWN SIMS, P. C.**

By: 

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***Attorneys for Defendants, Medi-Dyn, Inc.,  
Crothall Services Group, Inc., and  
Crothall Healthcare, Inc.***

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document has been served on all attorneys of record and/or pro-se litigants by U.S. certified mail, return receipt requested, on April 26, 2011.

  
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Tarush R. Anand